

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAGDALINA KALINCHEVA, M.D.,

No. C 14-03323-SI

Plaintiff,

ORDER OF TRANSFER

v.

JESSE NEUBARTH,

Defendant.

On July 11, 2013, plaintiff Magdalena Kalincheva, proceeding *pro se*, filed an action in the Northern District of California against defendant Jesse Neubarth. *Kalincheva v. Neubarth*, No. 13-cv-3212, Docket No. 1 (N.D. Cal. Jul. 11, 2013). This Court transferred the action to the Eastern District of California. *Id.*, Docket No. 14. In the order, the Court noted that both plaintiff and defendant reside in the Eastern District, and no defendant is alleged to reside in, and none of the events or omissions giving rise to the complaint occurred in, the Northern District. *Id.*

On July 15, 2014, plaintiff filed a second action in the Northern District of California against defendant Jesse Neubarth. *Kalincheva v. Neubarth*, No. 13-cv-3294, Docket No. 1 (N.D. Cal. Jul. 15, 2013). This Court also transferred the second action to the Eastern District of California. *Id.*, Docket No. 13.

On July 23, 2014, plaintiff filed a third action in the Northern District of California against defendant Jesse Neubarth. Docket No. 1. On August 4, 2014, plaintiff filed a first amended complaint. Docket No. 8. In the pleadings, plaintiff appears to seek enforcement of the contract allegedly created by "Form I-864," the affidavit of support signed by her immigration sponsor. *See* 8 U.S.C. § 1182(a).

1 The Court again concludes that this district is not the proper venue for plaintiff's action.
2 According to the civil cover sheet and the allegations in the pleadings, plaintiff resides in Stockton,
3 California, and defendant resides in Bakersfield, California. Docket No. 1 at 6, 18, 30. Thus, both
4 parties reside within the venue of the United States District Court for the Eastern District of California.
5 No defendant is alleged to reside in, and none of the events or omissions giving rise to the complaint
6 occurred in, the Northern District. Venue therefore would be proper in the Eastern District and not in
7 this one. *See* 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. §
8 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of
9 California. The clerk shall transfer this matter.¹

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11 **IT IS SO ORDERED.**

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13 Dated: August 8, 2014

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16 SUSAN ILLSTON
17 United States District Judge
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28 ¹ The Court also defers to the Eastern District to rule on plaintiff's pending application to
proceed *in forma pauperis*.